

REMARKS

The Office Action mailed November 1, 2006 has been carefully considered. Within the Office Action Claims 1-18 have been rejected. The Applicants have amended Claims 1-3, 5-7, 9, and 11-18 and have cancelled Claim 4. The Applicants reserve the right to further pursue the cancelled claim in a continuation and/or divisional application as well as for appeal purposes. Reconsideration in view of the following remarks is respectfully requested. A 2 month extension fee is included with this reply.

Objections to Claims and Specification

Within the Office Action, Paragraph 0049 and Claim 11 have been objected to for having informalities. These items have been amended in this reply. Accordingly, the Applicants respectfully request withdrawal of the objections.

Rejection under U.S.C. § 102

Claims 1-3, 9, 11, 14-18 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,179,525 to Griffis (hereinafter "Griffis"). The Applicants respectfully traverse. The Applicants have amended Claims 1 and 14 to include limitations not disclosed by Griffis. Griffis does not disclose that the sensor is sensitive to at least one of gravity or a magnetic field, as recited in Claims 1 and 14. In addition, Griffis does not disclose a means for modification of the random estimated orientation of the sold by confrontation of the solid orientation that the measuring datum represents and test data, as recited in Claims 1 and 14. According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a

single prior art reference. Since Claims 1 and 14 include these limitations not found in Griffis, Claims 1 and 14 overcome the 102 rejection, and allowance of these claims is respectfully requested.

Claims 2, 3, 9, 11 and 15-18 have also been rejected in light of Griffis. However, Claims 2, 3, 9, 11 and 15-18 are dependent on Independent Claims 1 and 14. As stated above, Claims 1 and 14 are allowable over Griffis. Accordingly, Claims 2, 3, 9, 11 and 15-18 are allowable for being dependent on allowable base claims.

Rejection under 35 U.S.C. § 103

Claims 4-8, 10, 12 and 13 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Griffis in view of U.S. Patent No. 6,636,826 to Abe (hereinafter “Abe”). The rejection is respectfully traversed.

Specifically, the Office Action contends that Griffis fails to disclose at least an angular position sensor sensitive to gravity and a magnetic field, but Abe allegedly discloses the subject matter and it would be obvious to combine the two references to reach the subject matter claimed. The Applicants respectfully disagree. Applicants have cancelled Claim 4 and have amended Claims 1 and 14 to include the subject matter previously recited in Claim 4.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the

reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.

M.P.E.P. 2141, See Hodosh v. Block Drug Co., Inc., 786 F.2d 1136 (Fed. Cir. 1986) (When applying a 35 U.S.C. 103 rejection, the following tenets of patent law must be adhered to: the claimed invention must be considered as a whole; the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and reasonable expectation of success is the standard with which obviousness is determined.)

Griffis discloses a capture device of the orientation of a solid in which a measuring datum representative of the orientation of the solid is a length of a line extending between the movable platform and the base platform. In addition, Griffis discloses a test datum representative of a random estimated orientation of the solid is also a length of a line extending between the movable platform and the base platform. (emphasis added) In other words, the measurement datum and test datum relate to a same magnitude, such as a length of a line. In contrast, Abe merely discloses gyroscopes, accelerometers and magnetometers.

To replace the sensors in Griffis with the gyroscopes, accelerometers and magnetometers disclosed in Abe would lead to a device in which operates in a different way than the embodiment(s) recited in Applicants' claims. In particular, one skilled in the art combining Griffis with Abe would reach a device in which a measuring datum (representative of the orientation of the solid) would be an angle and the test datum (representative of a random estimated orientation of the solid) would also be an angle. Additionally or alternatively, the combination of Griffis with Abe would result in the measuring datum being an acceleration and the test datum also being an

acceleration. Additionally or alternatively, the combination of Griffis with Abe would lead to a measuring datum being an acceleration and the test datum also being an acceleration.

The embodiment(s) described and claimed do not operate in this manner. A measuring datum is not a magnitude identical to a test datum. The measuring data are, for example, acceleration measurements output by a sensor sensitive to at least one of gravity or magnetic field measurements output by a sensor sensitive to a magnetic field. So, the measuring data is representative of the orientation of the solid (angle) but are not the orientation of the solid itself. Otherwise, the test data would be data representative of a random estimated orientation of the solid itself. However, test data is not acceleration data or magnetic field data. Test data are, for example, triplets of angles of skew, roll and pitch (see page 11, lines 24-26 of Applicants' specification). In an embodiment, a measuring datum (for example acceleration datum, magnetic field datum) is converted into an orientation datum (angle) which is then compared to all estimated random orientation datum (angle), wherein the result of the comparison is used to modify the random estimated orientation datum. The combination of Griffis with Abe would not yield these results, as required by Hodosh (reasonable expectation of success must be found in the prior art; combined prior art references must teach each and every element/limitation).

The Applicants also note that Griffis relates generally to parallel mechanisms and controlling mechanical devices comprising two platforms connected together, through a special geometry, by a plurality of legs acting in parallel (See Griffis, Col 1, Lines 8-16). Accordingly, Griffis does not provide the motivation to be combined with Abe to reach the subject matter recited in Claims 1 and 14. For at least these reasons, Applicants respectfully submit that Claims 1 and 14 are non-obvious and thus patentable over Griffis in view of Abe. Therefore, Applicants request allowance of amended Claims 1 and 14.

Claims 5-8, 10, 12 and 13 are dependent on Independent Claims 1 and 14. As stated above, Claims 1 and 14 are allowable over Griffis in view of Abe. Accordingly, Claims 5-8, 10, 12 and 13 are allowable for being dependent on allowable base claims.

Conclusion

It is believed that this reply places the above-identified patent application into condition for allowance. Early favorable consideration of this reply is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

Dated: __

4/2/07



Suvashis Bhattacharya
Reg. No. 46,554

THELEN REID BROWN RAYSMAN & STEINER LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040